

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

RANAH HARMON,

Plaintiff,

vs.

BELLSOUTH
TELECOMMUNICATIONS, LLC,
d/b/a AT&T GEORGIA,

Defendant.

CIVIL ACTION FILE
NO:

(Removed from the State
Court of Gwinnett
County, Civil Action File
No.: 23-C-03893-S6)

**DEFENDANT BELLSOUTH TELECOMMUNICATIONS, LLC,
d/b/a AT&T GEORGIA'S NOTICE OF REMOVAL TO THE
UNITED STATES DISTRICT COURT**

COMES NOW defendant BellSouth Telecommunications, LLC
("BellSouth"), incorrectly identified in plaintiff's complaint for damages
as "BELLSOUTH TELECOMMUNICATIONS d/b/a AT&T Georgia," a
non-entity in the state of Georgia, and, hereby gives notice, pursuant to
28 U.S.C. §§ 1441 and 1446, of the removal of this action from the State
Court of Gwinnett County, Georgia, Civil Action File No. 23-C-03893-
S6, to the United States District Court for the Northern District of

Georgia, Atlanta Division. In support thereof, BellSouth respectfully states as follows:

1.

Plaintiff commenced the above-styled action in the State Court of Gwinnett County, Georgia, on June 7, 2023, as Civil Action File No. 23-C-03893-S6.

2.

BellSouth was served with the following documents on June 14, 2023, at the office of its registered agent in Georgia: Affidavit of Service, Summons, and Complaint for Damages and Demand for Trial by Jury. (Exhibits 1-3).

3.

This notice of removal of the case to this United States District Court is filed by BellSouth within thirty (30) days of service of the complaint, from which it was first ascertained that the case is one which is removable, in accordance with the provisions of 28 U.S.C. §§ 1441 and 1446.

4.

The parties to this action are:

- plaintiff Ranah Harmon, a citizen of Indiana, whose address is: 436 Rivers Edge Court, Mishawaka, Indiana 46544;
- defendant BellSouth Telecommunications, LLC;
 - The only member of BellSouth Telecommunications, LLC is BellSouth, LLC. The sole member of BellSouth, LLC is AT&T DataComm, LLC, and the sole member of AT&T DataComm, LLC is AT&T DataComm Holdings, Inc. AT&T DataComm Holdings, Inc. is incorporated in Delaware and has its principal place of business in Texas.

As such, plaintiff (a resident of Indiana) is diverse from all members of BellSouth Telecommunications, LLC (Delaware and Texas).

5.

In this action, plaintiff seeks to recover general and special damages for personal injuries allegedly sustained in an incident occurring on or about March 19, 2022, in Hall County, Georgia.

Plaintiff claims that she sustained serious and permanent bodily injuries requiring medical treatment, including past medical expenses in an amount of no less than \$113,776.10, as set forth in plaintiff's demand letter. (Exhibit 4).

6.

Therefore, this action is one over which this Court has diversity jurisdiction pursuant to 28 U.S.C. § 1332, in that (a) the plaintiff and defendant are citizens of different states, and (b) the matter in controversy has a value, exclusive of interest and costs, in excess of \$75,000.00.

7.

Venue is proper in this Court pursuant to 28 U.S.C. § 1441(a), on the grounds that this District and Division embrace the place where the state court action is pending, i.e., Gwinnett County, Georgia.

8.

Attached hereto as Exhibits 1 through 5, and made a part hereof by reference, are true and correct copies of the following documents that were filed in the State Court of Gwinnett County, Georgia:

- (1) Affidavit of Service to BellSouth Telecommunications, LLC;
- (2) Summons;
- (3) Complaint for Damages and Demand for Trial by Jury;
- (4) Plaintiff's Demand Letter; and
- (5) Defendant BellSouth Telecommunications, LLC 's Notice to the State Court of Gwinnett County, Georgia of Removal of Action to the United States District Court.

9.

Written notice of the filing of this Notice of Removal will be given to all adverse parties as required by law.

10.

In compliance with 28 U.S.C. § 1446(a), BellSouth will file written notice of removal to the United States District Court with the Clerk of Court for the State Court of Gwinnett County, a copy of which is attached to this notice of removal as Exhibit 5.

WHEREFORE, defendant BellSouth Telecommunications, LLC prays that the State Court of Gwinnett County, Georgia, proceed no further with Civil Action File No. 23-C-03893-S6, and that said action

be and hereby is removed from the State Court of Gwinnett County, Georgia, to the United States District Court for the Northern District of Georgia, Atlanta Division.

This 12th day of July, 2023.

/s/ John L. McKinley, Jr.

John L. McKinley, Jr.
Georgia Bar No. 495513
Sean E. Boyd
Georgia Bar No. 302874

Attorneys for defendant
BellSouth Telecommunications,
LLC

MOZLEY, FINLAYSON & LOGGINS LLP
1050 Crown Pointe Parkway, Suite 1500
Atlanta, GA 30338-7704
(404) 256-0700 (telephone)
(404) 250-9355 (facsimile)
jmckinley@mflaw.com
sboyd@mflaw.com

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CERTIFICATE OF SERVICE AND TYPE SIZE COMPLIANCE

I hereby certify that on this date I electronically filed the foregoing pleading with the Clerk of Court using the CM/ECF system, which will automatically send notification of such filing to the following attorneys of record:

R. Shane Lazenby, Esq.
Lazenby Law Group, LLC
P.O. Box 2875
Gainesville, Georgia 30503
SHANE@LAZLAWGROUP.COM

Pursuant to Local Rule 5.1, NDGa., the foregoing pleading is prepared in Times New Roman, 14 point.

This 12th day of July, 2023.

/s/ John L. McKinley, Jr.
John L. McKinley, Jr.
Georgia Bar No. 495513